

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No. BKY 04-44584

Brett R. Hanson,

Chapter 7

Debtor.

**ASSOCIATED COMMERCIAL FINANCE, INC.'S
AMENDED AND CORRECTED BRIEF IN SUPPORT OF
THE UNITED STATES TRUSTEE'S MOTION TO DISMISS**

Associated Commercial Finance, Inc. (“Associated”), submits this brief in support of the United States Trustee’s motion to dismiss the instant bankruptcy filing and to preclude Brett Hanson (“Hanson” or “Debtor”) from filing any subsequent bankruptcy petitions for a period for two years. As the United States Trustee has explained, Hanson has repeatedly filed for bankruptcy protection in order to “delay collection efforts by creditors,” including, but not limited to, Associated.

On May 10, 2004, Associated commenced an action in Hennepin County, Court File No. 04-7158, against, among others, Imprint Technologies, LLC (“Imprint”), a company wholly owned by Hanson, to recover on certain loans made to Imprint and other companies wholly owned by Hanson. Hanson had personally guaranteed these debts but was not named as a defendant in the state court action. On June 22, 2004, Associated, Hanson and several companies owned by Hanson, including Imprint, entered into a Binding Settlement Agreement and Release (the “Settlement Agreement”) under the terms of which Hanson, Imprint and the other companies wholly owned by Hanson, agreed to make a series of scheduled payments to Associated, secured by, among other things, a Confession of Judgment executed by Hanson and

others. On July 8, 2004, and prior to the first substantial payment due under the Settlement Agreement, Hanson filed a voluntary petition for bankruptcy protection under chapter 13, Bankr. Case No. 04-33987, and caused Imprint to file a voluntary petition for bankruptcy protection under chapter 7, Bankr. Case No. 04-33988.

On August 2, 2004, Associated filed its motion for relief from the automatic stay in the Imprint bankruptcy. By prior order of the Court, Imprint was obligated to file its schedules no later than August 6, 2004. Imprint failed to file its required schedules and, therefore, its case was dismissed along with Hanson's personal bankruptcy. Prior to the dismissal of their cases, Hanson and Imprint were able to obtain protection from the automatic stay for a period of over one month as a result of these filings.

After Hanson's and Imprint's July 8, 2004, bankruptcy petitions were dismissed, Associated filed the Confessions of Judgment executed by Hanson and others in connection with the Settlement Agreement. A judgment was entered against Hanson and Imprint on August 17, 2004, at 11:54 a.m. Two and a half hours later, Hanson filed the instant bankruptcy petition, again seeking protection of the automatic stay. Pursuant to 11 U.S.C. § 109(g) Hanson's most recent filing must be dismissed as Hanson is not able to be a debtor at this time. Even with a dismissal of this action, however, Hanson will have obtained protection from the automatic stay for over a month, again frustrating Associated's ability to collect on its judgment against Hanson.

Because Hanson's personal and corporate bankruptcy filings have frustrated Associated's ability to collect the sums admittedly owed by Hanson and his wholly owned entities, Associated joins in the United States Trustee's motion to dismiss the instant bankruptcy filing. Associated further stresses the need to prohibit Hanson from further delaying collection efforts by creditors

and strongly encourages the Court to preclude Hanson from filing any subsequent bankruptcy petitions for a period for two years.

Dated: September 27, 2004

FABYANSKE, WESTRA & HART, P.A.

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UNSWORN CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of Associated Commercial Finance, Inc.'s Amended and Corrected Brief in Support of the United States Trustee's Motion to Dismiss has been made upon the following by depositing a copy in the United States mail, postage prepaid, this 27th day of September, 2004.

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